

Introduced by Senator Walters

February 9, 2010

An act to amend Section 2570.19 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 999, as introduced, Walters. Occupational therapy.

Existing law provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy, which consists of seven members, including 3 public members. Existing law prohibits the public members from being licensees of the board, the State Board of Chiropractic Examiners, or the Osteopathic Medical Board of California.

This bill would also prohibit the public members from being licensees of any other healing arts board and would delete certain obsolete language.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2570.19 of the Business and Professions
- 2 Code is amended to read:
- 3 2570.19. (a) There is hereby created a California Board of
- 4 Occupational Therapy, hereafter referred to as the board. The board
- 5 shall enforce and administer this chapter.
- 6 (b) The members of the board shall consist of the following:
- 7 (1) Three occupational therapists who shall have practiced
- 8 occupational therapy for five years.

1 (2) One occupational therapy assistant who shall have assisted
2 in the practice of occupational therapy for five years.

3 (3) Three public members who shall not be licentiates of the
4 board, *of any other board under this division*, or of any board
5 referred to in Section 1000 or 3600.

6 (c) The Governor shall appoint the three occupational therapists
7 and one occupational therapy assistant to be members of the board.
8 The Governor, the Senate ~~Rules Committee~~ *Committee on Rules*,
9 and the Speaker of the Assembly shall each appoint a public
10 member. Not more than one member of the board shall be
11 appointed from the full-time faculty of any university, college, or
12 other educational institution.

13 (d) All members shall be residents of California at the time of
14 their appointment. The occupational therapist and occupational
15 therapy assistant members shall have been engaged in rendering
16 occupational therapy services to the public, teaching, or research
17 in occupational therapy for at least five years preceding their
18 appointments.

19 (e) The public members may not be or have ever been
20 occupational therapists or occupational therapy assistants or in
21 training to become occupational therapists or occupational therapy
22 assistants. The public members may not be related to, or have a
23 household member who is, an occupational therapist or an
24 occupational therapy assistant, and may not have had, within two
25 years of the appointment, a substantial financial interest in a person
26 regulated by the board.

27 (f) The Governor shall appoint two board members for a term
28 of one year, two board members for a term of two years, and one
29 board member for a term of three years. Appointments made
30 thereafter shall be for four-year terms, but no person shall be
31 appointed to serve more than two consecutive terms. Terms shall
32 begin on the first day of the calendar year and end on the last day
33 of the calendar year or until successors are appointed, except for
34 the first appointed members who shall serve through the last
35 calendar day of the year in which they are appointed, before
36 commencing the terms prescribed by this section. Vacancies shall
37 be filled by appointment for the unexpired term. The board shall
38 annually elect one of its members as president.

39 (g) The board shall meet and hold at least one regular meeting
40 annually in the Cities of Sacramento, Los Angeles, and San

1 Francisco. The board may convene from time to time until its
2 business is concluded. Special meetings of the board may be held
3 at any time and place designated by the board.

4 (h) Notice of each meeting of the board shall be given in
5 accordance with the Bagley-Keene Open Meeting Act (Article 9
6 commencing with Section 11120) of Chapter 1 of Part 1 of
7 Division 3 of Title 2 of the Government Code).

8 (i) Members of the board shall receive no compensation for
9 their services, but shall be entitled to reasonable travel and other
10 expenses incurred in the execution of their powers and duties in
11 accordance with Section 103.

12 (j) The appointing power shall have the power to remove any
13 member of the board from office for neglect of any duty imposed
14 by state law, for incompetency, or for unprofessional or
15 dishonorable conduct.

16 ~~(k) A loan is hereby authorized from the General Fund to the~~
17 ~~Occupational Therapy Fund on or after July 1, 2000, in an amount~~
18 ~~of up to one million dollars (\$1,000,000) to fund operating,~~
19 ~~personnel, and other startup costs of the board. Six hundred ten~~
20 ~~thousand dollars (\$610,000) of this loan amount is hereby~~
21 ~~appropriated to the board to use in the 2000-01 fiscal year for the~~
22 ~~purposes described in this subdivision. In subsequent years, funds~~
23 ~~from the Occupational Therapy Fund shall be available to the board~~
24 ~~upon appropriation by the Legislature in the annual Budget Act.~~
25 ~~The loan shall be repaid to the General Fund over a period of up~~
26 ~~to five years, and the amount paid shall also include interest at the~~
27 ~~rate accruing to moneys in the Pooled Money Investment Account.~~
28 ~~The loan amount and repayment period shall be minimized to the~~
29 ~~extent possible based upon actual board financing requirements~~
30 ~~as determined by the Department of Finance.~~

31 ~~(l)~~

32 (k) This section shall become inoperative on July 1, 2013, and,
33 as of January 1, 2014, is repealed, unless a later enacted statute
34 that is enacted before January 1, 2014, deletes or extends the dates
35 on which it becomes inoperative and is repealed. The repeal of
36 this section renders the board subject to the review required by
37 Division 1.2 (commencing with Section 473).